

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEFFREY J. SKARDA, as Personal
Representative of the Estate of Lynell G. Skarda,

Plaintiff,

vs.

Civ. No. 09-01186 KG/WPL

JOHNSON & JOHNSON, a corporation,
ORTHO-McNEIL PHARMACEUTICAL, INC.,
a corporation, ORTHO-McNEIL-JANDSSEN
PHARMACEUTICALS, INC., a corporation
and JOHNSON & JOHNSON
PHARMACEUTICAL RESEARCH AND
DEVELOPMENT, L.L.C., a corporation,

Defendants.

ORDER

This matter comes before the Court upon Defendants' Opposed Motion for Expedited Briefing and/or Expedited Ruling on Defendants' Expedited Motion to Deem Plaintiff's Rule 26 Expert Disclosures Insufficient and to Exclude Plaintiff's Expert Witnesses (Motion to Expedite). (Doc. 52). Plaintiff responded to the Motion to Expedite. (Doc. 55). The Court held a telephonic hearing on the Motion to Expedite on May 21, 2014. Present at the hearing were Michael Garrett, counsel for Plaintiff, and Timothy Holm, Tiffany Roach Martin, and William Essig, counsel for Defendants.

Having reviewed the Motion to Expedite and the comments by counsel at the May 21, 2014, telephonic hearing, the Court grants the Motion to Expedite.

IT IS ORDERED that:

1. Defendants' Opposed Motion for Expedited Briefing and/or Expedited Ruling on Defendants' Expedited Motion to Deem Plaintiff's Rule 26 Expert Disclosures Insufficient and to Exclude Plaintiff's Expert Witnesses (Doc. 52) is granted;

2. the June 16, 2014, deadline for Defendants' expert designation is stayed and will be reset, if necessary, after the Court rules on Plaintiff's Motion to Approve Designation of Expert Witness (Doc. 48) and Defendants' Expedited Motion to Deem Plaintiff's Rule 26 Expert Disclosures Insufficient and to Exclude Plaintiff's Expert Witnesses (Doc. 51);


3. the August 15, 2014, deadline for discovery is stayed and will be reset, if necessary, after the Court rules on Plaintiff's Motion to Approve Designation of Expert Witness (Doc. 48) and Defendants' Expedited Motion to Deem Plaintiff's Rule 26 Expert Disclosures Insufficient and to Exclude Plaintiff's Expert Witnesses (Doc. 51);

4. the August 29, 2014, deadline for filing discovery motions is stayed and will be reset, if necessary, after the Court rules on Plaintiff's Motion to Approve Designation of Expert Witness (Doc. 48) and Defendants' Expedited Motion to Deem Plaintiff's Rule 26 Expert Disclosures Insufficient and to Exclude Plaintiff's Expert Witnesses (Doc. 51);

5. on or before June 2, 2014, the parties may file replies to Plaintiff's Motion to Approve Designation of Expert Witness (Doc. 48) and to Defendants' Expedited Motion to Deem Plaintiff's Rule 26 Expert Disclosures Insufficient and to Exclude Plaintiff's Expert Witnesses (Doc. 51); and

6. a hearing is set on June 20, 2014, in Albuquerque, New Mexico, at 2:00 p.m. on Plaintiff's Motion to Approve Designation of Expert Witness (Doc. 48) and on Defendants' Expedited Motion to Deem Plaintiff's Rule 26 Expert Disclosures Insufficient and to Exclude

Plaintiff's Expert Witnesses (Doc. 51); a notice of hearing indicating the exact location of the June 20, 2014, hearing in Albuquerque will be filed.



UNITED STATES DISTRICT JUDGE